

### REMARKS

This communication is a full and timely response to the non-final Office Action dated June 27, 2007. By this communication, the Specification, claims 1-3, 10, and 18 are amended, and claims 21 and 22 are added. Claims 1-22 are pending. Reconsideration and allowance of this application are respectfully requested.

In numbered paragraph 1 beginning in page 2 of the Office Action, the Examiner provided guidelines of a preferred layout of the specification. As noted above, the specification is amended based on these suggested guidelines.

In numbered paragraph 2 beginning on page 4 of the Office Action, claims 2, 3, 8, 10, 16, and 18 are objected to because of alleged informalities. Applicant respectfully traverses this objection. However, in an effort to expedite prosecution, claims 2, 3, 10, and 18 are amended to address the Examiner's concerns. Regarding claims 8 and 16, Applicant believes that the successive use of the word "at" is proper and is clear and concise. Thus, claims 8 and 16 remain as originally filed.

Claims 11, 19, and 20 are objected to as being of improper dependent form. Applicant respectfully traverses this objection. However, in an effort to expedite prosecution, claims 11, 19, and 20 are amended. Withdrawal of this objection is respectfully requested.

In numbered paragraph 4 on page 5 of the Office Action, claims 2, 3, 8, and 16 are rejected under 35 U.S.C. §112, second paragraph, as indefinite. Applicant respectfully traverses this rejection.

The features of claims 2 and 3 are described on page 3, lines 18-25 of Applicant's disclosure. This portion of Applicant's specification provides a clear and concise explanation of how one or multiple electric motors can be provided to drive the switch poles. The features of claims 8 and 16 are described in reference to Applicant's Figure 3 and the corresponding specification, beginning on page 7, line 31 of the disclosure. In particular, on page 8, lines 8-12, an exemplary embodiment is described in which a connecting rod can be connected to either of holes 31, 32, 33, or 34 where each hole is established at a different radial distance from the central axis of the drive shaft 18. Hence, the configuration of the holes and the circular disk correspond to the intermediate piece to which the connecting rod can be connected at at least two distances from the central axis of the drive shaft, as recited in the claims. Based on the sufficiency of Applicant's disclosure as evidenced above, withdrawal of this rejection is respectfully requested.

In numbered paragraph 6 on page 6 of the Office Action, claims 1-7, 11-15, 19, and 20 are rejected under 35 U.S.C. §102(b) as anticipated by *Matthews* (GB 808,125). Applicant respectfully traverses this rejection.

As shown in exemplary Figures 1-4, an exemplary apparatus for actuating an electrical switching device includes a first lever 16 that is fixed to a drive shaft 18 of an electric motor. The first lever 16 is fixed transversely with respect to the drive shaft 18 and acts on a second lever 12 via a connecting rod 14. The second lever 12 is fixed transversely to a rotating shaft 10 of a switching device. An actuating lever 42 is fixed transversely to the rotating shaft 10 and actuates a moving contact piece of a switching chamber 40 via an insulating rod 44.

Applicant's claims broadly encompass the aforementioned features by reciting an apparatus for actuating an electrical switching device comprising, in part, an electric motor having a rotating drive shaft that is coupled to a rotating shaft for the switching device for driving the rotating shaft to switch the switching device on and off.

The *Matthews* patent fails to establish a *prima facie* case of anticipation because it does not disclose or suggest at least the aforementioned feature. The *Matthews* patent discloses an actuating mechanism having an electric motor that is used only for closing a circuit breaker. The *Matthews* patent further discloses that a spring is used for opening the circuit breaker. Because two different mechanisms are used for opening and closing the circuit breaker, the *Matthews* patent cannot reasonably be interpreted to disclose or suggest that an electric motor drives a rotating shaft to switch the switching device on and off, as recited in Applicant's claim 1.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Based on the above, withdrawal of this rejection is respectfully requested.

In numbered paragraph 8 beginning on page 7 of the Office Action, claims 8-10, and 16-18 are rejected under 35 U.S.C. §103(a) as unpatentable over the *Matthews* patent in view of *Karrenbauer* (German Patent No. 19504714). Applicant respectfully traverses this rejection.

Each of claims 8-10 and 16-18 depend either directly or indirectly from independent claim 1. The Examiner acknowledges that the *Matthews* patent fails to

disclose or suggest an intermediate piece configured as a circular disk as recited in Applicant's claims, and relies on the *Karrenbauer* patent in an effort to remedy this deficiency. The *Karrenbauer* patent, however, fails to disclose an electric motor as recited in Applicant's claim 1. Thus, despite the teachings as alleged by the Examiner, the *Karrenbauer* patent fails to remedy the deficiencies of the *Matthews* patent and thereby fails to establish a *prima facie* case of obviousness. Applicant respectfully requests that this rejection be withdrawn.

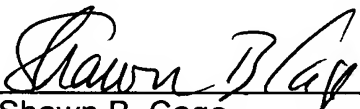
Claims 21 and 22 have been added by amendment and are allowable based on the sufficiency of the arguments with respect to claims 1-20 provided above. Accordingly, Applicant requests a favorable examination and allowance of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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Date: October 26, 2007

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